

PROPERTY, WOMEN FISHERS AND STRUGGLES FOR WOMEN'S RIGHTS IN MOZAMBIQUE

Pauline Wynter ✓



Mozambique, Southeast Africa

Many women in rural areas of Africa must eke out a living for their families not only with the crops they cultivate but also by a knowledgeable use of wild plants and animals which fulfill a range of needs. The forests, pastures and the coastal fringe provide products as diverse as fuel wood, medicines, fruits for making beer, edible leaves, and animals to hunt and fish. Both production and reproduction of the basic conditions of life depend on access to the areas which provide these products. Consequently, social institutions have evolved to regulate the exploitation of natural resources—guaranteeing access to certain members of the community while excluding others.

How East African coastal women exploit marine products, the importance of these products in their lives and the lives of their families, and the institutions they have evolved to protect their interests are the subjects of this article. The focus is both economic and environmental. This material is reviewed as a means to making an argument for the need to incorporate into African national agendas for women's rights not only advocacy for equality before the law and equality in domestic relations but also a review of the laws of property which may affect female and male citizens differentially. In particular, an argument is made here for a recognition of the range of forms of tenure which underpin the economic base of women.

Signe Arnefred, referring to the contradictory nature of women's struggles in agricultural cooperatives in Mozambique,

notes that while their hold on new economic and social space remains tenuous, women continue to defend their rights (and obligations) in the traditional system of social relations! *Lobola*, or gifts offered by the bridegroom to the parents of his bride, was criticized during Mozambique's struggle for independence as a negative practice in which women were the object of a commercial transaction. Since independence its role in society has been a subject of continued discussion. It is also seen as an institution which offers a certain protection for the wife. In effect, the payment of *lobola* engenders a strong commitment on the part of the families of both the bride and groom to the growth of the new family unit.

In a review of the proposed Family Law of Mozambique, Gita Welch *et al* concluded that *lobola* could be maintained in a merely ceremonial way.² However, the giving of gifts is part of the transaction which forms the basis of the marriage contract. In a typical patrilineal kinship system, a woman's labor is passed from her father to her husband in exchange for the *lobola*. Furthermore, access to property that the bride had in her father's community is relinquished at marriage, and in its stead she must be given land and other resources in the husband's community. Welch *et al* (1985) over-simplify the problem of women and property when they suggest, for example, that the legal remedy should the marriage break down, is to provide a home for the divorced mother. In fact for the rural divorced mother, the family home is only the beginning of her needs. She also requires access to the fields

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and trees which she got by virtue of her marriage. But the effect of *lobola* is to deny women direct control of their property rights. It serves as compensation to the father of the bride for the loss of his daughter's labor, and in exchange the husband assumes the obligation to provide her with access to the means to maintain herself and her children. *Lobola* will become as symbolic as Welch *et al* hope only when women's access to property ceases to be mediated by the marriage contract.

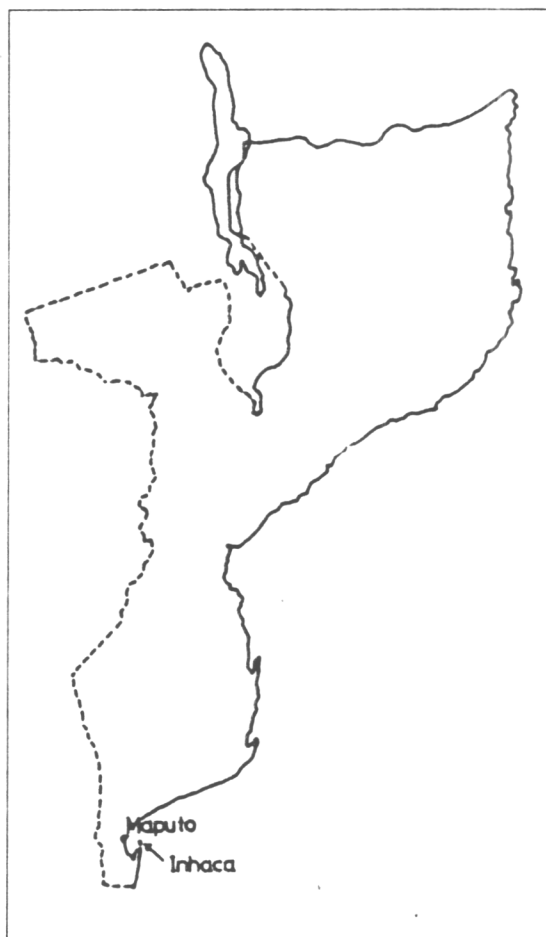
A closer look at the forms of property rights exercised in rural areas reveals more complex systems than that of exclusive private ownership with the right to use it in any way the owner sees fit. The complex of property rights (such as use rights, water rights, rights to tree fruits) are the bases of systems which are extractive.³ Users extract products from an ecosystem without necessarily destroying the system. Branches are cut for constructing a house but the tree is not chopped down. Rubber trees are tapped, bark is stripped, fruits are picked but the tree remains standing. And none of this prevents another person from having the right to graze animals or to cultivate beneath the tree. A given piece of land produces many different products, and the rights to exploit each product can be vested in different people. But there is an unequal distribution of the rights of access with respect to gender.⁴

A woman's access to productive resources is generally less recognized and highly tenuous, since her claim to such rights

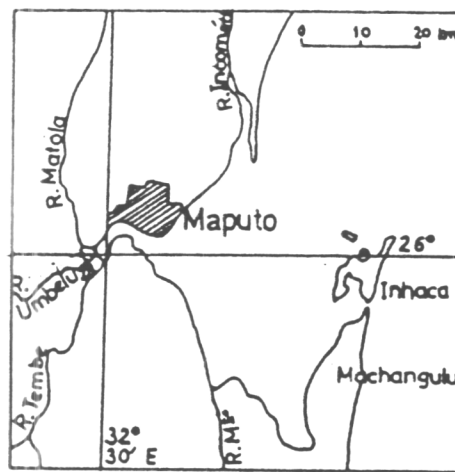
is almost invariably mediated by a male family member and depends on her relationship within the household. Thus one cannot talk about women as an undifferentiated group. Their degree of access to land and other resources varies and is a reflection of the social status of the male heads of their respective households. In general, women exploit the resources which their families have rights of access to but which are of least commercial interest, and their rules for using a particular product are rarely known beyond the boundaries of the local ecosystem. As such, many women operate at or beyond the margins of both the formal economy and the legal system. Because their rights are unprotected, they are especially vulnerable to rapid economic decline should their resource-base become of commercial interest.

The East African Coast

All along the east African coast (Kenya, Tanzania and Mozambique) an area of sea floor is left exposed by the receding tide. This intertidal area can be up to 500 meters wide. For coastal villages these acres of intertidal sea floor are a rich source of clams, oysters, mussels and crabs—to name only a few of the animals that they exploit. On any low-tide day dozens of women, instead of going to their fields, go to the sea to harvest these animals.⁵ To be able to see the relationship between the resources and people, we really need to look at a specific community. The following is an example from Mozambique.



Mozambique



Inhaca island off the coast of Maputo.

Women Fishers in Inhaca Island

Inhaca Island, 40 km off the coast of Mozambique's capital city of Maputo, is a typical example of a rural coastal community. Its resource base—that is, the natural products which are the base of its economy—is both terrestrial and marine. The island has a population of 5,000 and, since 1987, an additional 4,000 refugees from the mainland have been living in a camp. These refugees fled the civil war and banditry instigated by RENAMO, the anti-government guerilla group with links to the South African Defense Force.

A few Inhacan men find jobs in the island's only hotel, but most are fishers either on the island or in the industrial fishery in the Bay of Maputo. A significant minority are migrant laborers in South Africa. Except perhaps in the case of hotel workers, income to the families is both irregular and inadequate to cover all the household needs. Women raise the children, collect firewood, fetch water, gather wild fruit for brewing beer and feeding to pigs, fish, and cultivate infertile fields on the sand dunes which make up the island. In addition to manufactured goods such as oil, sugar, soap and clothes that they cannot produce themselves, all Inhacan families have to buy some of their staple grains. Households try to produce as much of the food they consume as possible, but they must also generate income.

Women meet this challenge by fishing. On any spring low-tide, women can be seen walking out to the beach to gather shellfish with a four-pronged spear and a basket. Heads down, they are looking for the tracks of edible snails from the small moon snails (*Polynices mamila*) to the large murex (*Murex ramosus*). Along the intertidal area, most crabs are fair game, and mussels, stranded squid or fish are a real find. Clam digging is done when the women reach the area where the clams grow, but women on Inhaca do not go out specifically for them. Some women fish for the sand oyster (*Pinctada capensis*) and for the sand mussel (*Modiolus philippinarum*), both of which can be marketed.

Sea urchins are gathered for a brief period in December and January. They are taken for their eggs. Although the species actually produces eggs for a much longer period, women practice conservation by restricting the exploitation of sea urchins to the low tides in December and January, when they take as many as they wish.⁶

As the tide turns the women head for home—each with a mixed catch. The many species of very small crabs are crushed in a mortar until a smooth paste is formed. The cook then uses the paste to thicken and flavor a pot of greens. This, I think, explains where the population gets its calcium. Little crabs are not so much a protein source as they are a calcium source—a scarce element on an island where there is no milk. When asked, the women say they go out to fish to vary the dishes they prepare. But I think that it is also true that each of these animals is supplying vitamins and minerals that are not available from other food sources on the island.

In the households of local fishers, the catch of women is usually eaten and men's catch is sold. So although women's catch is not counted as income-producing, it increases the income that can be derived from the fishermen in the family by increasing the amount of fish that is sold. The role of women fishers is as hidden as it is crucial. It is central to the nutritional status of families, it affects household

income and its distribution, and it is vital for the reproduction of female-headed households.

Not surprisingly, access to the area which plays such an important role in the survival of coastal families is restricted and defended. The following section looks more closely at the features and mechanisms of restricting women's access to coastal resources.

Securing the Resource-Base of Crab Fishers

Although of late Inhacan women are developing a market for clams and oysters, a few have been selling their catch for at least 20 years. These women are the fishers of the mangrove crab (*Scylla serrata*). Mangroves are forests which grow in the brackish swamps of tropical coasts. In Inhaca several villages share one large mangrove, which has been divided up so that each village has its own area. Inhaca women use a hoe to dig up the crabs. The activity looks for all the world like tending a field. The relationship to the area is expressed in the same terms as going to their fields.⁷

All the Inhaca crab fishers are women, ninety percent of whom are heads of household with complete responsibility for providing their families with an income. To make ends meet, they exploit the highest value product in the intertidal fishery.⁸ The catch is for sale, not for home consumption.⁹

It does not take very long to realize that the intertidal zone is used by a recognizable set of women. In general, crab fishers exploit the intertidal zone adjacent to their villages. They do not, as a rule, cross over into another village's intertidal zone. In part this can be explained by distance—it is just not worth it to walk a little further. But in looking more closely at what is at stake, we find this reason wanting. One village, for instance, has a coral reef along most of its intertidal area. The areas adjacent to the reef benefit from the high productivity of a more diverse and richer intertidal area than the village without such a structure. One might assume that it is in the interests of the neighboring villagers to walk a little further and fish around the reef. But they do not.

Women in the mangrove crab fisheries use the mangrove of the village where they presently live. Only those who were born in a different village will go back to the mangrove they grew up with if they find that crabbing is not good in the mangrove of the village where they reside.

What we have on Inhaca are villages which have divided the intertidal area among them. The intertidal area is not used haphazardly. Within this division there are further restrictions. Women who fish with traps must buy licences from the state. The state does not regulate the setting of traps, but women have developed their own system of use in which spaces for their traps are designated and respected. Whereas there may be some stealing from the traps, fishers do not come in and set traps in someone else's space.

An example of the tenacity with which women fishers hold onto their concept of use rights for the products of a given area comes from refugee crab fishers living on Inhaca Island. The refugees are from the peninsula adjacent to Inhaca. Their camp is located at a point approximately 5 km as the crow flies from the northernmost village of the refugees. Inhaca's crab stocks are clearly insufficient to support this transient population, so the refugee crab fishing women hire a boat to go back to the mangroves on the peninsula.

Because security is a problem, I imagined that the women

would go to the nearest mangrove, collect as many crabs as they could, and return to the camp as quickly as possible. I was wrong. The women are dropped off all along the peninsula—each in the section of mangrove she calls her own. This practice increases the likelihood of being isolated and caught by the anti-government forces, but the sense of what is mine to use and the logic of exploiting several systems (fields and trees) in a given day is even stronger than fear of being caught.¹⁰

Women are limiting the number of fishers in an area to the number of women in their village. They are doing it not with reference to the number of fishers, but by linking the administrative unit of the village to the intertidal zone. There is for them a direct relationship between being a member of a village and entry to the intertidal area. Rights of access to the intertidal area are thus restricted. These rights are, in effect, a form of property relations.

Women have actively and vociferously defended their village's exclusive right to use the coral reef in its area.¹¹ Such a restriction serves to ensure a catch for the user group on the following day, and in the following year. The right is for a group, not for an individual. There is no advantage for each woman to have her little piece of sea floor, because she really wants to end each fishing day with a quantity of animals sufficient for a meal or two even if this means a mix of animals. Having exclusive access to a little strip of sea floor might result in either no animals at all or a few individuals of one species. Hence the logic of village-level access: Every resident of a given village can search for animals within the village's intertidal area.

Another restriction is the limitation of fishing for a particular species only to a specific period. An example of this is the yearly gathering of sea urchins. It guarantees access for all of a designated group. The rule protects the interests of those who do not want to spend time all year long trying to get a few sea urchins, and conflict over a scarce product is reduced while equity is preserved within the village.

The rule works because it is a norm. It is unseemly to go against the norm, and everyone watches. Rules which are internalized to this level are powerful instruments for protecting economic interests of the users.

The women shellfishers use four means to secure their economic base: group ownership of a defined area, a rule for determining membership in the group, a mechanism

for defining the boundaries of the area, and a time specification for when access is available. The first three are associated with residence and generally recognized administrative boundaries. Quite apart from their significance for fisheries management is their economic significance for women. These rules were developed because the resource is scarce, and some people were willing to fight to keep it for themselves. Different sets of rules develop as a function of the character of each product, but they are also a reflection of the balance of forces in and between communities.¹² The problem is that at levels of society above the village, these institutions are not recognized—least of all in an agenda for women's economic rights. Although an argument can be made that this lack of legal recognition pertains equally to rural men, it is a fact that women are increasingly responsible for rural production. Consequently, women's legal status in the economic sphere merits as much attention from women's movements as has been paid to legal reforms affecting women's personal relations with men.

Adding Property Rights to the Woman's Agenda

Women everywhere are demanding equal treatment before the law. Urban women have a clear-cut need for assured access to private, freehold property with secure rights of inheritance. The experience of coastal women shows us that this conventional definition of property, which fails to incorporate the variety of property rights developed to secure the economic base, is inadequate to protect their interests.¹³ The erosion of societal norms governing rights of access is facilitated by their lack of recognition in a formal legal code. The legal system which provides protection for the shareholders of a corporation should also provide protection for groups of producers who have not called their resource-base a corporation, but who act as if it were. At the same time, the erosion of longstanding rights to exploit resources, coupled with the community's declining ability to defend these rights, facilitates the incursion of newcomers into areas which were previously safeguarded for the exclusive use of the village.

We need to look at the spaces that women use and think creatively about how their rights to the use of them can be secured. It is not only necessary for the individual woman and for her family. It is also necessary for the long-term productivity of the ecosystems she exploits.

Notes

¹ Signe Arnefred, "Women in Mozambique: gender struggle and gender politics," *ROAPE* 41 (1988): 5-16.

² Gita Honwana Welch, Francesca Dagnino, and Albie Sachs, "Transforming the foundations of family law in the course of the Mozambican revolution," *Journal of Southern African Studies* 12.1 (1985): 60-74.

³ The use of resources including land is conceptualized more as a public good. Use can be made of a particular resource but without prejudicing the rights of other users. Note the case of upstream users of water in the U.S.A., which should not prejudice downstream users.

⁴ Dianne E. Rocheleau, "Women, trees and tenure: implications for agroforestry," *Whose Trees? Proprietary Dimensions of Forestry*, eds. Louise P. Fortmann and John W. Bruce (Boulder, CO: Westview Press, 1988): 254-272.

⁵ Because of the destruction of coral reefs by fishers who use dynamite, the productivity of the intertidal flats along the coast of Dar es Salaam has fallen to such an extent that women are now rarely seen along this part of the Tanzanian coast. This is reported in C.S.L. Chachage, "Socio-historical observations on dynamite fishing in selected villages: Dar es Salaam," unpublished paper, Sociology Department, U of Dar es Salaam, Tanzania, 1987.

⁶ Sea urchins are taken in January when the beer from the fruit of the merule tree (*Sclerocarya birrea*) is prepared.

Notes (continued)

⁷ Under the colonial administration, land in Inhaca was divided between the area of the chief and the area of the subchief. After Independence in 1975, the area of the subchief became a separate administrative unit, and the area of the chief was divided into two administrative units. However, the land distribution still reflects the older division. People have fields within the area of the older divisions and do not cross the older boundary, although they do cross the new one to get to their fields.

⁸ The refugee women, who are discussed below, come from an area where prawns (*Penaeid spp.*) are abundant. A woman will also fish for this even more valuable product as soon as she has accumulated the money to buy suitable nets and if she is strong enough.

⁹ Crab fishers sell all of the catch except for the soft shell crabs, for which there is no market.

¹⁰ It is also true that for a coastal woman, the mangrove is only one of the resource areas that she exploits during a day of work. When the crab fisher goes to the Peninsula, she checks her fruit trees and tends her fields. It makes no sense at all to go only to collect crabs. Her idea is that she is going back to her village area where she has a number of things to do, including collecting crabs.

¹¹ In one village, one woman was known as the "owner" of the reef. She defended the reef, which she allowed fellow villagers to use but not people from other villages. When the coral reef was incorporated into a national park, the women lost any possibility they might have claimed to exclusive use of the reef, but the villages continued to use the area. Even though they were now poachers, the villagers all poached together, and poachers from other villages were still actively discouraged.

¹² It is beyond the scope of this paper to discuss the class differences existing among women.

¹³ For a statement on rights for rural women see, "The Women's Convention" that came out of the UN's Decade of Women, in Alice Armstrong, assisted by Welshman Ncube, eds. *Women and Law in Southern Africa* (Harare: Zimbabwe Publishing House, 1987): 277-81.

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